

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-28 are presently active in this case. The present Amendment amends Claims 1-3, 5, 8-10, 12, 15-17, 19, 22-24, 26.

The outstanding Office Action rejected Claims 1-28 under 35 U.S.C. § 102(b) as anticipated by Satoh (U.S. Patent No. 5,276,875). A PTO-1449 listing the references disclosed in the IDS filed on September 5, 2001; October 8, 2003; and January 27, 2004, was requested. In response, a PTO 1449 listing the already disclosed references is enclosed herewith. Acknowledgement of consideration of the references listed on the PTO 1449 is respectfully requested.

In response to the rejection of Claims 1-28 under 35 U.S.C. § 102(b), all independent claims are amended. In particular, independent Claims 1-3, 5, 8-10, 12, 22-24 and 26 are amended to recite "wherein a warm-up of said main body is started when a completion of the homing operation of the scanner is confirmed," and independent Claims 15-17 and 19 are amended to recite "wherein a warm-up of said main body means is started when a completion of the homing operation of the scanner means is confirmed." These amendments find non-limiting support in the disclosure as originally filed, for example from page 7, line 19 to page 8, line 15 and the corresponding flowchart of Fig. 5. Therefore, the amendments to Claims 1-3, 5, 8-10, 12, 15-17, 19, 22-24, 26 are not believed to raise a question of new matter.¹

In light of the present amendment, the rejection is believed to be overcome and Applicants respectfully request reconsideration of this rejection and traverse the rejection. The applied prior art does not teach or suggest that the warm-up of the main body is started when a completion of the homing operation of the scanner is confirmed, as discussed next.

¹ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Satoh discloses a state control system designed to work in a sequence of processing operations divided into a plurality of states, used in a recording equipment such as a copying machine.² However, Satoh fails to teach that a warm-up of the main body is started when a completion of the homing operation of the scanner is confirmed. On the contrary, Satoh explicitly teaches that the position for starting the reading of the original sheet (initialization process) can be determined by driving the imaging unit for one time in advance, and that this is done after the power is turned on.³ Therefore, there is no confirmation of the homing operation of the scanner in Satoh, since it is done *for one time in advance*. Satoh further teaches that the state control system performs each process independently and that the processes are distributed in the apparatus. A state control section provides control over the states⁴ and the jobs to be performed in each of the states are specified in advance.⁵ In Satoh, a state does not receive a confirmation signal from another state. Therefore, the Satoh system cannot start the warming-up the main body when a completion of the homing operation of the scanner is confirmed, as claimed in Applicants' independent claims.

Furthermore, there is no evidence that a person of ordinary skill in the art would have been motivated to modify the Satoh system in order to arrive at Applicants' invention.

Therefore, the prior art fails to teach or suggest every feature recited in Applicants' claims, so that Claims 1-28 are patentably distinct over the prior art. Accordingly, Applicants respectfully traverse, and request reconsideration of, the rejections based on the Satoh patent.⁶

² See Satoh in the Abstract and at column 1, lines 6-10.

³ See Satoh, at column 11, lines 5-10.

⁴ See Satoh, at column 2, lines 34-46 and in Fig. 14.

⁵ See Satoh, at column 2, lines 42-46.

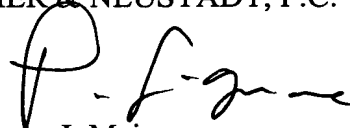
⁶ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-28 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Philippe J. C. Signore, Ph.D.
Registration No. 43,922



22850

Tel. (703) 413-3000
Fax (703) 413-2220
GJM/PJCS/NPS/maj
I:\ATTY\NSI00557\204571US\204571US-AM1-DRAFT2.DOC